IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.132 OF of 2007
IN
WRIT PETITION NO.6908 OF 2005

Shri Vilasrao Raghunath Jadhav & Ors. ..Petitioners.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Praful B. Shah for Petitioners.

CORAM : ABHAY S.OKA, J.

DATED : 11th APRIL, 2007.

P.C. :-

The allegation in this Contempt Petition is that the respondents have committed breach of order dated 22nd September, 2004 in P.I.L. No.101 of 2002 as well as order dated 21st November, 2005 in Writ Petition No.6908 of 2005. The contention of the learned advocate for the petitioners is that on the basis of the aforesaid orders, constructions made by all the persons in violation of the Ribbon Development Rules ought to have been demolished. He submitted that directions issued in the P.I.L. No.101 of 2002 operates against illegal structures erected by all the persons.

2. I have considered the submissions. It is

not in dispute that the prayers made in P.I.L. No.101 of 2002 were confined to demolition of the alleged illegal structures erected by the petitioners. Therefore, on plain reading of the order dated 22nd September, 2004, it cannot be said that the directions given by the Division Bench extend to the illegal structures erected by other persons. The Writ Petition No.6908 of 2005 filed by the petitioners has been dismissed by the order dated 21st November, 2005. In the said order, the Division Bench has expressly observed that there is no question of making any exception or variance to the order passed in the P.I.L. The said petition filed by the petitioners has been rejected. Therefore, as of today, there is no such direction to demolish the structures erected by others as contended by the petitioners. Therefore, no case is made out for initiating action under the Contempt of Courts Act, 1971.

3. Petition is rejected.

(ABHAY S. OKA, J.)